

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DOMENIQUE A. CLARK,

Plaintiff,

v.

No. CV 14-0229 JCH/LAM

RAMON RUSTIN, et al.,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. The record indicates that a mailing to Plaintiff has been returned undelivered with an indication that Plaintiff is no longer in custody. [Doc. 15]. It appears that Plaintiff has failed to advise the Court, in writing, of her current address, as required by D.N.M.LR-Civ 83.6. This demonstrates a lack of interest in litigating Plaintiff's claims which may subject her to dismissal of this action for lack of prosecution. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) ("The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.") (footnote and citations omitted); *Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984) ("Courts have the inherent power to impose a variety of sanctions on both litigants and attorneys in order to regulate their docket, promote judicial efficiency, and deter frivolous filings.") (citations omitted); and *Thornton v. Estep*, No. 05-1263, 209 Fed. Appx. 755, 757, 2006 WL 3705038 (10th Cir. Dec.18, 2006) (unpublished) (holding that the district court did not abuse its discretion by dismissing *pro se*

inmate's petition for a writ of habeas corpus for failure to prosecute due to inmate's failure to comply with local rule regarding notification to the court of inmate's change of address, and an inmate "may not shift his burden under the rule [of notifying the Court of his new address] to the department of corrections"). The Court, therefore, will require Plaintiff to show cause why her complaint should not be dismissed.

IT IS THEREFORE ORDERED that, **within fourteen (14) days** from entry of this order, Plaintiff shall notify the Clerk in writing of her current address or otherwise show cause why this case should not be dismissed; and a copy of this order shall be sent to Plaintiff at the address shown on the Court's docket. **Plaintiff is hereby notified that failure to respond to this order may result in dismissal of her case without further notice.**

IT IS SO ORDERED.


LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE